

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

EVEIANA NAZARIO, individually, and  
on behalf of all others similarly situated,

Plaintiff,

v.

SIRIUS XM RADIO, INC.,

Defendant.

Civil Action No. 1:19-cv-07844

**NOTICE OF CONSTITUTIONAL QUESTION**

In accordance with Federal Rule of Civil Procedure 5.1(a), and Northern District of Illinois Local Rule 24.1, Sirius XM Radio Inc. states that its Memorandum Of Law In Support Of Its Motion To Dismiss For Failing To State A Claim Or, In The Alternative, To Stay Pending The Seventh Circuit's Decision In *Gadelhak v. AT&T Services, Inc.* (ECF No. 9), raises the following constitutional question: Whether the restrictions on use of automated telephone dialing systems contained in 47 U.S.C. § 227(b) violate the First Amendment and the equal-protection component of the Due Process Clause of the Fifth Amendment.

Dated: January 8, 2020

Respectfully submitted,

/s/ Christopher A. Hall

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*Attorneys for Defendant Sirius XM Radio Inc.*

**CERTIFICATE OF SERVICE**

I, Christopher A. Hall, certify that on January 8, 2020, I caused the foregoing to be filed with the Clerk of the Court and served upon all counsel of record via the CM/ECF system.

I further certify that a true and correct copy of the foregoing document has been served on January 8, 2020, to the Attorney General of the United States by certified mail addressed to U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC, 20530.

/s/ Christopher A. Hall  
Christopher A. Hall